

## Veto No. 1992-4

HB 2401

November 25, 1992

To the Honorable, the House of Representatives  
of the Commonwealth of Pennsylvania:

I am returning herewith, without my approval, House Bill 2401, Printer's No.4029, entitled "An act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for firearm licenses in cities of the first class and for loans on, or lending or giving firearms prohibited."

House Bill 2401 amends the Crimes Code by creating an exemption for any person in a city of the first class who has held a valid firearms license for five years or more from taking the firearms proficiency examination. In addition, this bill provides for the circumstances under which a person may loan or lend a firearm.

In *Commonwealth v. Corradino*, 588 A.2d 936 (1991), the Pennsylvania Superior Court held that the loaning or lending of firearms under the Crimes Code is absolutely prohibited. This bill specifically delineates when a firearm can be loaned or given to another person. The person receiving the firearm must be licensed to carry a firearm or exempt from statutory licensing provisions or the person receiving the firearm must be engaged in a hunter safety program that is certified by the Pennsylvania Game Commission, a firearm training program or a competition approved by the National Rifle Association. I believe this bill places appropriate limitations on the loaning or lending of firearms and does not present a significant risk to public safety. Therefore, I have no objection to this provision.

Unfortunately, this bill was amended and an exemption from proficiency examinations was added for persons in first class cities who have held a valid firearms license for five years or more. The Philadelphia Police Department created a simple proficiency examination which requires a person with a firearms license to qualify their gun and demonstrate their ability to fire the weapon in a safe manner every five years. The examination consists of six questions and the firing of ten rounds at a target seven yards away. This gives the Police Department the ability to observe whether the person possesses the physical ability to use a firearm on the streets of Philadelphia. If this provision becomes law, there will be no way to determine whether there has been any change in a person's ability to handle a firearm. Over a five-year period, a person may have suffered some kind of mental or physical infirmity which would cause them to be unable to handle a firearm safely. Placing this exemption in law will expose the citizens of Philadelphia to licensees who no longer can use a firearm in a responsible manner.

The chief law enforcement officials in the City of Philadelphia, the Police Commissioner and the District Attorney have expressed their opposition to this bill. In addition, Colonel Glenn Walp, the Pennsylvania State Police Commissioner, has written in opposition to House Bill 2401, because of the potential for placing many citizens of this Commonwealth in danger.

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LAWS OF PENNSYLVANIA

For these reasons, I am withholding my approval of House Bill 2401.

ROBERT P. CASEY